

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105**

**NOTICE OF SECOND AMENDMENT OF TEXT OF PROPOSED REGULATIONS AND
MATERIAL ADDED TO RULEMAKING FILE**

**RH05044654
August 10, 2007**

Pursuant to the requirements of Government Code section 11346.8(d), and Section 44 of Title 1 of the California Code of Regulations, the California Department of Insurance (CDI) is providing notice of materials added to the rulemaking file relating to proposed amendments to regulations concerning Insurance Code 758(c) and 790.03 and Title 10, California Code of Regulations, Chapter 5, Subchapter 9, Article 7, Section 2698.91, entitled "Auto Body Repair Labor Rate Surveys". The promulgation of this regulation was the subject of regulatory hearings on October 23 and 24, 2006, and written and oral comments were received. The addition of these materials to the rulemaking record is designed to make clear to interested parties and to the public, the underlying data and methodologies employed to ascertain certain standards discussed in the proposed regulations.

Additionally, the Department is proposing changes to the text of the regulation. The Commissioner believes the changes made to the text are either nonsubstantial or solely grammatical in nature, or are sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. Accordingly, pursuant to the provisions of California Government Code Section 11346.8(c), the Commissioner is soliciting written public comment on the changes.

PUBLIC COMMENT INVITED:

The Commissioner has proposed text changes to Sections 2698.91 and 2698.92, and now solicits written comments on those changes only, which are attached. Comments submitted on unchanged portions of the regulations will not be considered.

A copy of the changes, with the proposed changes clearly indicated, is available for public comment for at least 15 days. Proposed additions to the text of regulations previously submitted to and disapproved by the Office of Administrative Law are reflected in underlined text. Proposed deletions to the text are reflected in ~~strikeout~~ text.

The Commissioner also solicits comments on the following materials which have been added to the rulemaking file:

1. “Minimum Recommended Requirements for a ‘Class A’ Collision Center”, as published by the Collision Industry Conference (CIC) in 2005. This document is also available on the Internet at www.ciclink.com under the link for Work Products at the bottom of the webpage.

CONTACT PERSONS:

All written comments submitted in response to this Notice of should be directed to the following:

Teresa R. Campbell, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4126

If she is unavailable, inquires may be addressed to the following backup contact person:

Tony Cignarale, Division Chief, Consumer Services Division
California Department of Insurance
300 South Spring Street, 14th floor
Los Angeles, CA 90013
Telephone: (213) 346-6360

DEADLINE FOR WRITTEN COMMENTS:

All written materials must be received by the Insurance Commissioner, c/o the contact person at the address listed above, no later than **4:30 p.m. on August 27, 2007.**

All written comments received by the deadline, which pertain to the addition of material to the rulemaking record and/or the amended language will be reviewed and responded to by CDI as part of the compilation of the rulemaking file. Please comment on the additional material and amended language only.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE:

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: campbellt@insurance.ca.gov. If you are sending a comment via e-mail in PDF format, please include a Word form of the document in addition to the PDF version. The Commissioner will also accept written comments transmitted by facsimile provided they are sent to the contact person listed above at the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

AUTOMATIC MAILING:

A copy of this notice will automatically be sent to all those who testified at the public hearing, all those who submitted written comments at the public hearing, all persons whose comments were received during the public comment period, all persons who requested copies of information regarding the regulations, and all persons who requested notification of the availability of such changes.

A copy of the additional material will be made available to all persons who wish to review the materials, upon appointment. Interested parties may use the contact information above to arrange for an appointment.

STEVE POIZNER
Insurance Commissioner